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# Letter dated 1 March 2010 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

I have the honour to transmit a copy of a letter addressed to the Secretary-General of the United Nations, Ban Ki-moon (see annex), and a petition with 118,000 signatures, in electronic form, from the E-SMART Campaign (Eritrean Sanctions Must Be Annulled Today), a project of the Organization of Eritrean Americans, in response to resolution 1907 (2009).*

I should be grateful if this letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Araya **Desta**
Ambassador
Permanent Representative

* The electronic version of the petition is available in the Secretariat.

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## Annex to the letter dated 1 March 2010 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

On Wednesday 23rd December 2009, the United Nations Security Council (UNSC) imposed sanctions against Eritrea, which include an arms embargo, travel restrictions and a freeze on the assets of its political and military leaders.

Resolution 1907(2009) was passed on the basis of two accusation: 1) That Eritrea offers financial, political and logistical support to elements that oppose the Transitional Federal Government of Somalia. 2) That Eritrea has failed to comply with Security Council requests to engage with Djibouti to resolve a border dispute.

Lack of Evidence

Resolution 1907(2009) was passed despite a telling absence of credible evidence to support the allegations that were made against Eritrea. The consistent request by the government of Eritrea for hard evidence to support the accusations has been totally ignored. Resolution 1907(2009) is unfair and unjust in that it was based on charges long been proven to be untrue. The allegations are unfounded, fabricated, orchestrated, and pushed by adversaries of Eritrea. The root of the charges is initiated by the U.N. Somalia Monitoring Group going to 2006. At the time the Monitoring Group accused Eritrea of sending 2000 troops to fight alongside the Somali insurgents. However, this turned out to be totally false when Ethiopia invaded Somalia. Furthermore, the plane that Eritrea was supposed to have used to transport weapons and fighters to Somalia turned out to be another fabrication; the plane was found crashed in Uganda while being used by DynCorp, a contractor for the US military and intelligence service. The UN Secretary-General's Special Representative for Somalia, Mr. Ahmedou Ould-Abdallah, has also publicly admitted that there is no evidence linking Eritrea to the Monitoring Group's charges.

On the other hand, the Security Council has ample evidence that show Ethiopia, Kenya, and Uganda as being the main suppliers of arms to Somalia. According to the U.N. Security Council's Somalia sanctions committee, "elements of the African Union peacekeeping mission in Somalia known as AMISOM, and Somalia's Transitional Federal Government (TFG)" are involved in arms trafficking activities." Furthermore, South African Ambassador to the United Nations, Dumisani Kumalo, chairman of the U.N. Security Council's Somalia Sanctions Committee, reported to the Security Council, May of 2008, at a time when the report that has

now been used as a basis to accuse Eritrea was being prepared, that 80% ammunition available at the Somali arms markets was supplied by TFG and Ethiopian troops. The Committee also reported of getting "details of some 25 military flights by Ethiopia into Somalia and knew that Ethiopian troops had brought military equipment into the country to arm friendly clans."

The UN Security Council, having passed a resolution condemning the increase in the flow of weapons to Somalia in contravention of the arms embargo imposed in 1992, it endorsed the United States call for the embargo to be lifted so that they can supply weapons to the TFG and the Somali's war lords. The US had supplied tones of weapons by its own admission with most of it ending up in the hands of the insurgents due to desertions. Amnesty International had also confirmed, on the 21st of January 2010, that US shipment of arms to the Transitional Federal Government is being used to commit war crimes and human rights abuses in Somalia.

Furthermore, a member of the current Somali government is quoted by, Jon Lee Anderson, in the New Yorker Magazine of December 14, 2009 saying: "*Finally we appealed to Allah. We asked him to give us oil, so as to interest the Americans, or else we said, we need a couple of fighters from Afghanistan. So now the Somali's have a weapon: We are a staging ground for the fight against global terrorism. After so many years, with our piracy and our jihad we are finally able to project fear.*" At the same time, Herman Cohen, a former US Assistant Secretary for African Affairs had told this to PBS in 2006, "*Ethiopia is feeding false intelligence about terrorists being hidden and that sort of thing because the Ethiopians are deadly afraid of Moslem control. So they want to keep the Islamists out of power, and they will bring the U.S. into it, if they can.*"

The accusation against Eritrea therefore is based on unfounded assumptions and perceptions, and not on concrete evidences. The independent experts of the United Nations have not concluded their work on the alleged violation of the arms embargo on Somalia. Yet, the decision to sanction on Eritrea based on lies shows that it is indeed a politically motivated intended to exert pressure on Eritrea for extraneous objectives.

**Targeting Eritrea**

Whilst the UN Arms Monitoring Group made equal allegations against eight other countries relating to the violation of the Somali Arms Embargo, only Eritrea has been targeted for sanctions. This further demonstrates that the decision is neither proportionate nor just.

**Violation of Eritrea's Right to Self Defence (Article 2 and Article 51)**

The description of the allegation against Eritrea by the UN Security Council has changed from "providing arms" to the insurgency to "providing political, financial, and logistical support. The dropping of the accusation of "supplying arms" from the final resolution implies that the Security Council has no credible evidence to support the accusation. If that is the case, why does then the sanctions include arms embargo? This again proves that the decision was a predetermined

outcome no matter what the facts were on the ground. To impose an arms embargo at a time when the country is on a war footing with Ethiopia and is being at a continuous threat from terrorist organizations trained and armed by Ethiopia is a reckless undertaking primarily designed to endanger the security of the country and its people.

The arms embargo violates Eritrea's inherent right to self-defence, one of the most basic rights of any state, under Articles 2 and 51 of the U.N. Charter, to protect its territorial integrity and political independence. By imposing an arms embargo on Eritrea and thereby preventing it from defending its territory and population from Ethiopia's aggression and occupation, the Security Council has clearly violated its own Charter.

**Invasion of Somalia**

The invasion and occupation of Somalia has resulted in the greatest humanitarian emergency in Somalia, has cost the lives of thousands of Somalis, has damaged Somali infrastructures such as schools, Mosques, bridges, hospitals and markets and Ethiopian and TNG forces have committed international crimes in Somalia. A number of countries, notably Ethiopia sent troops to Mogadishu in contravention of UN Security Council Resolution 1725(2006).

Eritrea did not create the Somali problem. All what Eritrea wants is peace, stability and unity to prevail in Somalia. Eritrea has not invaded Somalia. Eritrea has no interest in destabilizing Somalia, nor does it have any benefit from a destabilized Somalia. It has not violated the Arms embargo imposed in 1992. Others have. It is therefore absurd that Eritrea is targeted although it has repeatedly told the UNSC that it has not supplied any weapons to the Somalis.

**The Djibouti Case**

With regards to the conflict with Djibouti, Eritrea's stated position is that there should be bilateral efforts at clarifying and solving any issues. On failure of bilateral efforts, Eritrea has clearly expressed a willingness to resolve any outstanding matter legally. Considering failure of the UN Security Council, to shoulder its legal responsibilities as guarantors of the Algiers agreement and considering further that the Eritrean-Ethiopian border issue is the single most destabilizing factor in the region, it is not surprising that Eritrea's faith in the goodwill or offices of third parties, who have no clear mandate, is exhausted and that it should prefer a legal process as a last resort. Such a stance is a clear and just commitment to peaceful co-existence and cannot possibly merit sanctions by any stretch of the imagination short of one that undermines basic justice.

Eritrea has not occupied even a square inch of Djibouti territory. To the contrary, Eritrea had appealed to the Security Council on April 22, 2009, few weeks before the unwarranted campaign against Eritrea started, stating that Ethiopia had built a network of winding roads up the mount, and deployed offensive, long-range, artillery and heavy equipment directed at Eritrea with the

apparent knowledge and acquiescence of Ethiopia's major backers. For anyone who is familiar with the geography of the area, the potential threat for Eritrea is clear. Ethiopia is being allowed to move long-range artillery and heavy equipment into Musa Ali which is a stone throw from the Eritrean port of Assab and Ethiopia's obsession has long been how to occupy the port of Assab. It is under this potential threat that Eritrea is being asked to withdraw from its own territory. Furthermore Mt. Musa Ali is located at the trilateral junction (Djibouti, Eritrea and Ethiopia).

Hence, the Djibouti-Eritrea border issue should not be looked in isolation. On one hand, there is the EEBC demarcation decision, which is accepted by Eritrea but rejected by Ethiopia, and on the other hand, there is this fabricated Djibouti - Eritrea territorial dispute. Instead of looking at all the issues holistically, and exercising a multi-pronged diplomacy, the UNSC is only interested on the Djibouti – Eritrean border conflict and has remained silent on the Eritrean-Ethiopian border issue. In the Horn, everything is linked. If the unmistakable US favouritism of Ethiopia was tempered by fairness, justice and pragmatic considerations, a holistic solution should have been sought for. This was indeed time for the Security Council to show credibility and achieve a durable solution. If truth is to be told, the entanglement with Djibouti is a creation/fabrication with the purpose of diverting Eritrea's pursuit to insure Ethiopia's eviction from its sovereign territories in accordance with the final and binding determinations of the EEBC. Needless to say, the peoples of the region are now left with unhelpful and unhealthy situations.

**IGAD and the AU Call for Sanction**

It has been reported that the UNSC passed the Resolution in response to the call by the AU and IGAD for sanctions to be imposed on Eritrea. We must remind you that the AU peace and security council meeting that initiated this call against Eritrea was chaired by Ethiopia where the call for sanction on Eritrea was passed against the expressed concern of the AU Chairman. The regional organizations that were claimed to be the source for this initiative IGAD and the Africa Union Peace and Security Council called for this action under the chairmanship of Ethiopia when the meetings were held inside Ethiopia. These decisions were orchestrated by Ethiopia who served as the Chair of the Peace and Security Council when the decision against Eritrea was made. Not surprisingly, it was also Ethiopia that Chaired the IGAD meeting when that entity decided to call for sanctions against Eritrea. Eritrea is denied of attending AU meeting in Ethiopia.

**Eritrea – Ethiopia Border Conflict**

It is important at this stage to remind you that both the Ethiopian and Eritrean governments had agreed and signed a peace agreement guaranteed by the UN, to accept the conclusions of the independent EEBC delimitation and demarcation decisions as final and binding. The UN Security Council was mandated to take "the necessary political, diplomatic, economic and military measures" against the party that refused implementation in line with Chapter 7 of the UN charter. However we haven't seen UN action against Ethiopia for violating the ruling of the

independent EEBC and for refusing to be bound by international law with respect to the boundary conflict. Despite Ethiopia's continued violations of international law and norms that constituting a grave danger to international peace and security, no sanctions, a threat of sanctions or even genuine pressure that has been applied against Ethiopia by the UN or by the other guarantor organizations and nations of the Algiers Peace Agreement.

In light of the Security Council's inability to enforce its own decisions and resolutions on the Eritrea-Ethiopia issue, its reluctance to enforce international law and the Eritrea Ethiopia Boundary Commission's (EEBC) final and binding delimitation and demarcation decisions, the Council decision to impose sanction on Eritrea in haste and without due deliberations and investigations shows how the Security Council has been used as an instrument of administering injustice against the people of Eritrea. The Security Council, if its interest is indeed a genuine peace and security in the Horn of Africa, it cannot simply forget the major danger of the region, Ethiopia's continued refusal to implement the EEBC decision. The Security Council has to remain seized of this grave matter.

It is baffling to note how the Eritrea –Djibouti issue is found to be a "threat to international peace", whilst occupation of sovereign Eritrean territories in violation of international law, the UN Charter and the Eritrea Ethiopia Boundary Commission's final and binding delimitation and demarcation decisions of 13 April 2002 and 30 November 2007 are purposefully ignored. We see the action or lack thereof by the UN on this matter as an encouragement of the Ethiopian government to continue occupying sovereign Eritrean territory.

**Dear Secretary-General,**

At this juncture, we would also like to remind you that Eritrea has been subjected to a series of UN injustices starting from the 1950. The UN passed a resolution 390 A(V) in 1950 to forcefully federate Eritrea with Ethiopia against the wishes of The Eritrean people. It is appropriate to state here what the then US Secretary of State, John Foster Dulles, candidly told the UN Security Council: "*From the point of view of justice, the opinions of the Eritrean people must receive considerations; nevertheless, the strategic interest of the United States in the Red Sea basin and considerations of security and world peace make it necessary that the country has to be linked to our ally, Ethiopia*". History has repeated itself.

In 1962, when the Eritrean Administration was dissolved by the Ethiopian in violation of UN 390 A(V) Resolution, the UN ignored the plight of Eritreans despite repeated calls for justice to be served.

The UNSC designed to foster peace and security in our world has now decided to rubber-stamp an ill-conceived plan to sanction Eritrea without any justification. The very institution that was supposed to secure peace and protect the weak has become a manifested tool of insecurity and instability by attacking the weak. Resolution 1907 is passed through conspiratorial closed-door

session of the two permanent members to take punitive measures against Eritrea. This resolution is also extremely reckless and it is bound to exacerbate the already tense relationship between the nations, leading to more conflicts in this war-ravaged region.

The implications of undermining the rule of law, justice and fair-play as the basis for international relations has far reaching and profoundly negative implications. It is a sad occasion when the UNSC is lured to take such a manifestly unjust resolution against Eritrea based on lies.

**Our demand**

On this day, the 22 of February 2009, we the undersigned, members of the Eritrean Communities in Europe, the people of the Horn of Africa and peace loving friends of Eritrea, submit this petition and stage a demonstration in Canberra (Australia), Geneva (Switzerland), and San Francisco and Washington, DC (United States of America) to call on the United Nations to immediately repeal the unjust, unfair and illegal sanctions imposed on Eritrea.

We call on the UN to shoulder its responsibility as a guarantor of the Algiers Agreement to do whatever it takes to make Ethiopia vacate sovereign Eritrean territories it is occupying illegally in breach of international law and its treaty obligation.

We call on the UN to exercise a fair and just practice in evaluating all of the facts and evidence to find a lasting peaceful solution to the problems in the Horn of Africa, and should not be swayed by those who have an axe to grind against Eritrea.

We remain seized of the matter.

Yours sincerely,

Freweini Tekeste

**Freweini Tekeste**
**Co-Chair, Eritrean-SMART Campaign**

ATTACHMENT 1

**Source: United Nations Department of Public Information (DPI)**

Date: 29 May 2009

Impunity in Somalia was a major factor maintaining a long-running "genocide in motion" in that Horn of Africa country, the Special Representative of the Secretary-General emphasized to correspondents at a Headquarters news conference this afternoon. "People who have killed, displaced and maimed are still around, whether in Somalia, Nairobi or in their new country home," Ahmedou Ould-Abdallah said, adding that many who stayed inside Somalia to continue the violence had put their families in safe havens outside the country.

Mr. Ould-Abdallah, who was in New York for consultations at Headquarters, stressed that it was the willingness of anti-Government forces to keep fighting, whether for profit, power or other reasons, that was devastating the country, not the threat of an Ethiopian return or the illegitimacy of the authorities. The Government might be weak, he said, but it had as strong a claim to legitimacy as most African Governments, overturning it by force would defy Security Council resolutions.

Before last year's Djibouti Agreement, which facilitated the departure of Ethiopian troops, it was claimed that the foreign presence was prolonging the conflict, he said. After they withdrew, however, the fighting had continued, and he knew of no evidence of continued Ethiopian presence. "This is a diversion from the real problem," he said. "Somalis have to stop killing Somalis and reject any alibis."

As for the support of Eritrea for the Islamist group al-Shabab, he said that there was much talk of such involvement, but there was no way for him to monitor that situation or to know the truth of such a claim. Asked about other foreign rebel fighters, he said the rebel leaders had extended a welcome to such fighters and there was wide information available on them.

When asked what safeguards were in place to make sure international payments to trained police forces in Somalia were not engendering abuse to civilians, Mr. Ould-Abdallah stressed how few trained police there were â€"- 2,700 â€"- in that large country in which civilians were being killed every day. Even those police had not been paid for 18 months.

To suggest that they should not be supported was irresponsible, he maintained. "The problem we face today is anarchy and disorder, and not to pay trained policemen because a few of them may have stolen or may have abused is unacceptable," he said.

On piracy, Mr. Ould-Abdallah said that that the international presence was beginning to show results, because the pirates had to go further afield for their quarry, over 100 pirates had been captured, and their financiers knew they were being watched. It was important that it be a truly international effort, he said, demonstrating to Somalis that there was international attention being paid to their tragic situation and showing that such efforts could actually work.

Asked about law of the sea issues, he said he was not aware of any connection between Norwegian oil companies and the joint submission for the delineation of the continental shelf made by Somalia and Kenya, assisted by Norway. He said he did know, however, that Norway had helped other African countries with their submissions, and that Somalia's was very similar to the ones made by France, Ireland, the United Kingdom and Spain.

Outlining upcoming political activities on Somalia, Mr. Ould-Abdallah said that he planned to be in London for an 8 June meeting with the British Foreign and Commonwealth Office, after which he would convene in Rome the International Contact Group on Somalia, of which he is the Chair, although that meeting might be postponed.

He also described contacts with the Intergovernmental Authority on Development (IGAD), an Africa regional economic group, which he said could play a role in the Somali crisis similar to that played by the Economic Community of West African States (ECOWAS) in the crises in Liberia and Sierra Leone.

## ATTACHMENT 2

**Ugandan Army Disturbed by Allegations of Peacekeepers Trafficking Arms in Somalia (VOA)**

http://voanews.com/english/2008-05-23-voa45.cfm

23 May 2008

The spokesman for the Ugandan army, Major Paddy Ankunda, tells VOA that soldiers selected to participate in the African Union peacekeeping mission in Somalia, known as AMISOM, are the finest in the Ugandan military.

He says allegations that some of them may be involved in arms trafficking in the Somali capital Mogadishu have shocked senior officers in Kampala.

"We are all surprised by the allegations," said Ankunda. "We have not seen any evidence and we have not gotten that report formally. We highly doubt that any of the Ugandan members of that mission can [be] involved in those dealings. We highly doubt that and we hope there will be an investigation so that the truth can be told to the world."

The allegations were contained in a report submitted Thursday by South Africa's ambassador to the United Nations Dumisani Kumalo, who chairs the U.N. Security Council's Somalia sanctions committee.

Mr. Kumalo did not say the AMISOM troops in question were Ugandan or give details about their alleged activities. But for the first nine months of the peacekeeping mission, which began in March 2007, about 1,600 soldiers from Uganda made up the entire mission until several hundred troops from Burundi joined them in late December.

Mr. Kumalo said the committee have also received credible reports that the Ethiopian government and members of the secular Somali government it backs in Mogadishu are involved in illegal trafficking of arms. He said he had details of weapons being brought into Somalia by Ethiopia to arm clans perceived as being friendly to Addis Ababa.

Since Ethiopia ousted Somalia's Islamist movement from power nearly 17 months ago, Somali and Ethiopian troops have been battling Islamist-led insurgents determined to overthrow the transitional federal government.

South Africa's U.N. envoy said the committee supports a recommendation for an independent investigation of AMISOM, Somalia's interim government, and the Ethiopian government.

A year after factional leaders toppled Somali dictator Mohamed Siad Barre in 1991 and plunged the country into a civil war, the United Nations imposed an arms embargo on Somalia. But the embargo has been repeatedly violated.

U.N. monitors are currently investigating a link between piracy, which is rampant off Somalia's coast, and arms trafficking.

Kenya's seafarers' assistance program coordinator, Andrew Mwangura, confirms that hijackings sometimes occur because Somali pirates suspect the ships are carrying arms to rival factions.

Last week, Somali gunmen hijacked a Jordanian vessel they said was delivering arms to Somalia. The hijackers ordered the crew to open the cargo to verify the contents.

"Somali pirate groups are organized under warlords," said Mwangura. "There are so many warlords. So, maybe they had information that this ship was taking arms to a rival group."

When the hijackers discovered that the cargo was nothing more than sugar, Mwangura says the ship and its crew were held for ransom and released unharmed when the ransom was paid.

**Peacekeepers sell arms to Somalis (BBC)**

http://news.bbc.co.uk/2/hi/africa/7417435.stm

23 May 2008

Ugandan peacekeepers in Somalia have been selling arms to insurgents, a United Nations report says.

The report, by the UN monitoring group on the Somali arms embargo, says Ethiopia, Eritrea and Yemen are also breaking the embargo.

It cites one incident in which a group of Ugandan soldiers allegedly received $80,000 for a transaction.

Some peacekeepers are accused of setting up an arms trading network through translators.

The Ugandan army has already dismissed the accusations as "absolutely ridiculous."

Inquiry

The report says the soldiers received a wish-list of weapons from arms dealers and the weapons were then supplied from stores of equipment seized from insurgents.

The monitoring group says the weapons find their way back to the insurgent group they were captured from in the first place.

The report was presented to the UN Security Council by the head of the committee which has been monitoring the arms embargo, Dumisani Kumalo, who is South Africa's ambassador to the UN.

Mr Kumalo said there were grave concerns that some peacekeepers would do things to undermine the peace process.

The allegations have been sent to the Ugandan government, which has said it will carry out an inquiry.

The presence of Ethiopian troops in Somalia, backing the weak transitional government, also breaks the embargo, the report said.

The Ethiopians went into Somalia in 2006 to help oust Islamist forces which had taken control of Mogadishu.

Eritrea and Yemen are accused of backing the insurgents.

Somalia has been devastated by conflict since 1991 when former President Mohamed Siad Barre was ousted.

ATTACHMENT 3

CONTROLS ON MILITARY ASSISTANCE TO SOMALIA MUST BE TIGHTENED

Amnesty International 21 January 2010

Amnesty International has called for arms transfers to the Somali government to be suspended until there are adequate safeguards to prevent weapons from being used to commit war crimes and human rights abuses.

In its latest briefing paper on the country, Amnesty International details US shipments of arms, including mortars, ammunition and cash for the purchase of weapons to the Transitional Federal Government (TFG).

These transfers were made despite substantial risks that such types of weapons could be used in indiscriminate attacks by TFG forces, or diverted to armed groups opposed to the TFG, who also commit gross and widespread abuses.

"International concern for the future of the Somali government has not been matched by an equal concern for the human rights of civilians," said Michelle Kagari, Amnesty International Deputy Director for Africa.

"Mortar attacks continue to claim lives – it is time for international donors to apply tighter controls to their support for the government". Amnesty International's briefing also details growing international programmes of military and police training for TFG forces, despite a lack of adequate oversight procedures.

The training is delivered in Somalia itself and in Ethiopia, Kenya, Djibouti and Uganda. The European Union, France, Germany and Italy are involved, or have pledged funding for it.

Amnesty International calls for all states providing, financing or planning military and police training for the TFG to provide training in international humanitarian law and on arms management. They should also press for the establishment of oversight procedures for TFG forces.

A UN arms embargo on Somalia has been in place since 1992 but states can apply to the UN Sanctions Committee for exemptions to supply security assistance to the Somali government.

Amnesty International is urging the committee to apply criteria for assessing the risk that exemptions to the arms embargo will contribute to war crimes and human rights abuses, and to deny authorizations on this basis.

To be effectively implemented, Amnesty International argues that such criteria need to be enshrined in international law and universally applied to all arms transfers. The organization calls on states to establish such common standards in an International Arms Trade Treaty.

Somalia has been mired in armed conflict since the collapse of the Siad Barre government in 1991. Conflict intensified and unlawful killings of civilians increased after Ethiopian troops entered Somalia at the end of 2006 to help the TFG fight against several armed opposition groups from whom it has been seeking to regain territorial control.

Despite a peace agreement between the TFG and one armed group, the appointment of a President issued from the former armed opposition and the withdrawal of Ethiopian troops from Somalia, armed opposition groups have continued attacks against the TFG. In May 2009, they launched a major offensive against the TFG, which currently only controls a small part of the capital Mogadishu.

In 2009, indiscriminate attacks by all parties to the armed conflict have resulted in thousands of civilians killed and hundreds of thousands displaced. The number of people internally displaced within Somalia is now 1.5 million and some 3.7 million are dependent on humanitarian assistance for their survival.